

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

SENTENCING MINUTES

XENGXAI YANG

Case No. 19-CR-67

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: February 4, 2021
Deputy Clerk: Cheryl

Time Called: 1:30 P.M.
Time Concluded: 2:32 P.M.
Tape: Zoom
020421

Appearances:

UNITED STATES OF AMERICA by:

Andrew J. Maier

XENGXAI YANG by video and by:

Thomas E. Phillip

US PROBATION OFFICE by:

Brian Koehler

INTERPRETER: None

Interpreter Sworn

Defendant consents to appear and proceed by video conference.

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- The parties have no objections to the factual statements in the PSR The parties have no objections to the application of the guidelines in the PSR
- Objections/corrections to factual statements in PSR by Plaintiff Defendant Objections/corrections to application of guidelines by Plaintiff Defendant
- The court adopts the factual statements and guideline application as set forth in the PSR The court adopts the factual statements and guideline application with these changes:

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- The government presents sentencing argument: The government recommends 183 months. The defendant presents sentencing argument: The defendant requests a 144-153 sentence.
- Defendant exercises right of allocution. The court imposes sentence.
- The government dismisses count(s) _____. Defendant advised of appeal rights.

Kathy Cruz, Branch Manager, address the court on behalf of herself and the other victims at the credit union.

SENTENCE IMPOSED:

Imprisonment: 48 Months as to Count(s) 1&3 of the Indictment
120 Months as to Count(s) 2 of the Indictment

Imprisonment term for each count to be served concurrently consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 168 months.

This term of imprisonment is to be served (concurrently with or consecutively to) any state court sentence the defendant is currently serving.

Probation: _____ Years as to Count(s) _____ of the _____

Supervised Release: 3 Years as to Count(s) 1&3 of the Indictment
5 Years as to Count(s) 2 of the Indictment

MONETARY PENALTIES

Special Assessment: \$ 300.00 due immediately

Fine: \$ _____ fine waived

Restitution: \$ _____ determination deferred

JOINT AND SEVERAL PAYMENTS

Fine and/or Restitution is joint and several with _____.
 Repayment of Buy Money is joint and several with _____.

FORFEITURE

All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

The court recommends the defendant's placement at Oxford, Wisconsin or as near his home as possible.
 Other: The defendant receive mental health treatment.

CUSTODY

The defendant is remanded to the custody of the U.S. Marshal Service.
 The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; on or after _____.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

- The defendant does not object to the conditions of supervised release as set forth in the presentence investigation report.
- The Court reads the conditions of supervised release.
- Mandatory Conditions of Supervision** imposed.
- The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.
- The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report with the following changes:
 - The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.
 - The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report with the following changes: